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UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS
DISTRICT COURT
DISTRICT OF MASS.

UNITED STATES OF AMERICA)

v.)

FABIAN RUIZ)

Criminal No.: 03-M-1150-JGD

**MOTION IN SUPPORT OF REQUEST TO RELEASE
RUIZ TO THIRD PARTY CUSTODIANS**

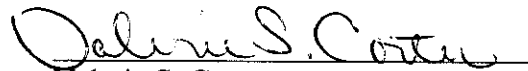
In support of the request by defendant, Fabian Ruiz, for release from custody to a third party custodian, attached hereto is a letter from Ruiz' mother, sisters and friends dated January 6, 2004. In summary, the letter demonstrates that Ruiz' family stands ready to augment, assist or provide support to Sofia Arvizu, Ruiz' grandmother, who has been interviewed by pretrial Services as a third party custodian.

Upon review of the January 9, 2004 Memorandum by Pretrial Services, in all respects, Ms. Arvizu possesses all the qualifications to serve as a third party custodian except that Pretrial Services notes she is 88 years old and feels it may be an unfair burden to her if she were to serve as custodian for her grandson.

While we do not believe her age should be the deciding factor, we have sought to make provisions by having Ruiz' two sisters and friends serve as supplemental custodians to Ms. Arvizu or as alternative custodians.

Respectfully submitted,
Fabian Ruiz,

By his attorney,



Valerie S. Carter
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Boston, MA 02210
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DATED: January 16, 2004

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served upon the attorney of record for each other party by mail, postage prepaid.


Valerie S. Carter, Esq.

Dated: January 16, 2004

January 6, 2004

Honorable Judge Judith Dein

To the Honorable Judge:

We, the family and friends of Fabian A. Ruiz, have joined together our hearts and prayers that this letter might give you a small glimmer of insight on the Fabian A. Ruiz that we know and love and what he means to us, both as a loyal and dedicated friend, and as an important part of our family.

As a friend, Fabian is a kind and sincere person. He has a giving and generous nature. Over and over again, he has demonstrated empathy and compassion for those less fortunate than him. Whether by donating clothes and food for families who are going through hard times, to helping purchase a bus ticket to a friend who was in need of surgery to keep the ability to walk, he is the type of person you can always count on.

Fabian is a hard worker. As in everything he does, he really puts his heart and soul in his work. It is easy to be impressed by his ability to complete anything he starts on time, if not before it is due. He always did more than his share of the work on projects. He often takes the initiative to get things started and pick up the slack when things are going slowly. He is nice to everybody, and almost everyone seems to like him.

As a family man, Fabian has impressed us all with his dedication to each and every one of us.

Fabian is a loving partner and friend to his wife Veronica and her two children Eddie and Danny. He has raised both these children as his own. They all have a wonderful, fulfilling friendship and relationship despite the legal woes that currently plague them. He has been an excellent role model to them and to Fabian Junior. He was the person who taught them to be gentle when they got a new kitten. He demonstrated extreme patience in repeatedly showing them how to handle it. His corrections came with explanations that helped them understand why it was necessary to do what he was asking of them. His family depends on him for all their day to day living. Eddie and Danny have benefited so much from his relationship with them. They have come to depend on him to help them get through every day. Whether it's school work, or learning to build and explore new things, or learn a new game, Fabian has been there. Then there is Fabian Jr. Fabian Jr. is a very lovable and intelligent little boy. His whole world revolves around his Daddy. He asks for his Daddy every day. He misses the bed time stories Daddy would read to him, and the "adventures" they would have together. Both Danny and Fabian Jr. have birthdays this month of January and pray every day that Daddy can be there for them.

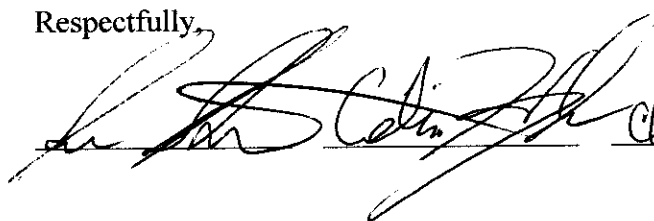
Fabian also has helped our Grandparents in all of their day to day lives as well. At 78 and 88 years of age, neither of them can drive, and simple things that we all take for granted (like going to Church or going to buy groceries) are a chore for them. Fabian could be counted on to pick them up and take them to Church on Sundays, then stopping to have lunch "out on the town" before heading out to buy groceries for them. When his Grandmother began having problems





with her teeth, Fabian helped her find a kind dentist that was extra gentle with her. When she needed false teeth that she could not afford, Fabian stepped up to the plate and paid for them, even though we knew it was hard for him to afford as well. When his Grandfather was no longer able to drive, his car that he was so proud of (a 67 Chevelle) slowly began to deteriorate. Fabian helped breath new life into the car, as well as his Grandfather's Spirit, by slowly restoring the car to almost better then brand new. He did this by working late into the nights, and sometimes even early mornings, priming, painting, polishing and then redoing it all over again until everything was perfect. He did this for months trying to get the car done to surprise his Grandfather for Father's Day, even after working extra long hours at his job.

Fabian has also always been a "solid rock" in his younger sister's life. For four years, Claudia was a single mother who worked hard to make ends meet. Fabian could always be counted on to bring over a gallon of milk, or turn on the furnace or anything else he could think of. Fabian also literally saved her life. One day, while at work, Claudia began to feel ill. She took the remainder of the day off, and began to drive herself home. Half-way there, she felt lightheaded and pulled over. Somewhat unaware of what she was doing, she called Fabian and told her roughly where she was. Fabian quickly found Claudia, and first took her to a their grandparent's house thinking she had a flu, but when it became obvious that something was very wrong, he was able to get her to the hospital where she was found to have an infection in her kidneys that had begun to infect her blood. Had Fabian not gotten to Claudia in time, her daughter would be motherless.

We feel these attributes and so many more, demonstrate Fabian to be what we see him as, and that is as an exceptional person. Quite honestly, all of us could write a novel citing example after example of Fabian's unselfish deeds, and thoughtful actions. But all boils down to the fact that we all love him, support him, and are willing to do anything and everything in our power to prove he is not a threat to society, that he poses no flight risk, and that he should be at home with his family and friends who love him. Whether you require us to put liens on homes, businesses, or properties that support our lively-hood, or for us to become "3rd party custodians", you can be assured that we have complete faith that Fabian will do only what he is supposed to do. The Fabian that we know is a loving and caring partner, father, son, brother, grandson, and friend to many. He is intelligent, good, and ahead of his time. We really hope that someone can inject some reason into this affair. It would certainly benefit a great many people, if Fabian A. Ruiz were permitted to walk freely among us.

Respectfully,

 Claudia E. Hyde, Dr. Robert F. ...

 Elizabeth Stark,  Mark Campbell,  Jane Johnson,  John Martinez

Spencer A. Gorman

Greg Smith

Salvador L. Giron

Sofia R. Arvizu

Verna Collier

EDDIE

DANNY

~ ~ ~

MICHAEL WHEELER

Michael Wheel

David

James Adams

Ray Ireland

John

Mike

Anthony Kuma

